

Minutes of the
RURAL HEALTH ADVISORY COMMISSION

Friday, February 25, 2011
1:30 p.m. to 4:00 p.m.

Nebraska Department of Health & Human Services
220 S. 17th Street
Lincoln, Nebraska

Members Present: Scot Adams, Ph.D.; Kathy Boswell; Doug Dilly, M.D.; Marty Fattig; Zach Frey, D.O.; Jackie Miller; and Sharon Vandegrift, R.N.

Members Absent: Mark Goodman, M.D.; Shawn Kralik, D.D.S.; Peggy Rogers; Rebecca Schroeder, Ph.D.; Mike Sitorius, M.D.; Roger Wells, P.A.-C.

Office of Rural Health Staff Present: Dennis Berens, Mike Gilligan, Marlene Janssen, Tom Rauner (arrived late), and Deb Stoltenberg

Guest(s): Margaret Kohl, Senator Mike Gloor's office

1. Call Meeting to Order; Open Meetings Act & Agenda Posted; Adopt Agenda; Approve Minutes of November 12, 2010, Meeting; Introduce Members and Guests

Dr. Doug Dilly, Vice Chair and Acting Chair, called the meeting to order at 2:04 p.m. with the following members present: Scot Adams, Ph.D.; Kathy Boswell; Doug Dilly, M.D.; Marty Fattig; Zach Frey, D.O.; and Sharon Vandegrift, R.N.

(The meeting was delayed due to the Legislative confirmation hearing for some of the Rural Health Advisory Commission (RHAC) members. Some members had to leave early, which would result in the lack of a quorum because several members were unable to attend this meeting due to a snow storm and the flu. It was decided to postpone some agenda items not needing motions until the June meeting.)

Dr. Dilly announced that the open meetings act and agenda were posted outside the door.

Marlene Janssen added a change to the agenda. The new agenda item #2 will be Report on Medicaid Medical Home Pilot Projects in Lexington and Kearney. Margaret Kohl from Senator Gloor's office will present to the RHAC. All other agenda items will be renumbered.

Dr. Scot Adams moved to adopt the agenda with the addition of item # 2, report of Medicaid Medical Home Pilot Projects in Lexington and Kearney and to postpone some of the items not needing motions. Marty Fattig seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, and Vandegrift; NO: None; Absent: Goodman, Kralik, Miller, Rogers, Schroeder, and Sitorius.

Dr. Dilly asked if there were any corrections to the November 12, 2010, minutes. Hearing none, Dr. Adams moved to approve the November 12, 2010, minutes. Dr. Frey seconded motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, and Vandegrift; NO: None; Absent: Goodman, Kralik, Miller, Rogers, Schroeder, and Sitorius.

Introductions of RHAC members and Office of Rural Health staff were done after Margaret Kohl arrived.

2. Report on Medicaid Medical Home Pilot Projects in Lexington and Kearney

Margaret Kohl, Senator Mike Gloor's office, reported on the Medicaid medical home pilot projects in Lexington and Kearney. After handing out information about the pilot projects, Ms. Kohl explained that Senator Gloor is a former CEO of a rural hospital and his focus is in health care and access to care both physically and financially. LB 396 was passed in 2009 which created a pilot project for Medicaid Medical Homes at Plum Creek Medical Group in Lexington and the Kearney Clinic in Kearney. Medicaid signed patients to the medical homes on a volunteer basis and agreed to quicker reimbursements to the clinics for their participation along with some type of payment structure to allow for educating patients, for example patients with chronic health problems such as diabetes. The goals of these medical homes are to improve health care access, improve health outcomes for patients, contain costs in the Medicaid program, and measure patient and practice satisfaction. While the pilot project is focused on Medicaid recipients, Blue Cross Blue Shield is also doing a similar pilot project. The project timeline is from February 2011 through February 2013.

3. Administrative Items

- **Next Meeting: Friday, June 17, 2011; 1:30 p.m., Lincoln**
- **Set September Meeting Date/Time**
- **Student Loan Interviews/Interviewers**

Dr. Dilly announced that the next Rural Health Advisory Commission meeting will be Friday, June 17, 2011, 1:30 p.m., in Lincoln.

Marlene Janssen announced that the Nebraska Rural Health Conference, to be held in Kearney, Nebraska, begins Wednesday, September 21, 2011 at noon and ends Thursday, September 22, 2011 around 5:00 p.m. As per statute, at least one Commission meeting must be held outside of Lincoln and Omaha and, in the past, the Commission has elected to hold it in conjunction with the annual Nebraska Rural Health Conference. Ms. Janssen stated that she surveyed a few of the commission members and came up with the following dates/times in order of priority: Wednesday, September 21, 2011, 6:30 p.m.; Thursday, September 22, 2011, 6:30 p.m.; Wednesday, September 21, 2011, 9:00 a.m. Marty Fattig stated that the first night of the conference will be used for networking with conference attendees and would not be a good night for the Commission meeting.

After some discussion it was decided to schedule the September Commission meeting to coincide with the Nebraska Rural Health Conference in Kearney, NE on Thursday, September 22, 2011, in the evening. Ms. Janssen will determine the exact time after emailing all the commission members.

Marlene Janssen stated that the student loan interviews will be held the morning of June 17, 2011 and interviewers are needed. Ms. Janssen reported that Drs. Mike Sitorius, Shawn Kralik, and Doug Dilly have already volunteered. Sharon Vandergrift volunteered. Drs. Zach Frey and Scot Adams stated they would check their schedules. Ms. Janssen will contact those commission members that are absent to see if any of them would like be interviewers.

Jackie Miller arrived at 2:18 p.m.

4. Reports

▪ Policy Committee

Marty Fattig reviewed the RHAC's Policy Committee's 2011 "Summary of Recommendations for Enhancement of Health in Rural Nebraska." Commission members received these recommendations in their mailing packet. Mr. Fattig briefly reviewed the priority areas which include: (1) incentive programs for rural health professionals, (2) behavioral health services, (3) integrated service delivery and training systems, (4) rural emergency medical services and rural transportation, (5) rural communication systems, (6) rural quality, (7) strengthening rural health services by improving access to affordable health care, (8) rural managed care and reimbursement, (9) veterans care (both men and women), and (10) other ways to improve access.

Denny Berens provided a handout on rural training tracks. Nebraska has the most rural training tracks of any state due to the University of Nebraska Medical Center's Rural Health Education Network and Rural Health Opportunities Program.

Mr. Berens also handed out and discussed articles on "Medical school strategies to increase recruitment of rural-oriented physicians: the Canadian experience" and the National Rural Health Association analysis of rural health workforce legislation.

Jackie Miller stepped out at 2:40 p.m.

▪ State & Federal Legislation

Marty Fattig reported on pending legislation. Mr. Fattig received a call from Senator Ben Nelson's office concerning Information Technology (IT) incentive payments to Rural Health Clinics. Mr. Fattig stated that this was a big concern and Senators Ben Nelson and Claire McCaskill (Missouri) wrote a letter to the Senate Finance Committee requesting a technical change to federal law to ensure that physicians serving at Rural Health Clinics are fully eligible for the Medicaid health IT incentive payments Congress intended. Mr. Fattig handed out copies of this letter and stated he did not know if any action had been taken yet by Congress.

Marty Fattig provided an update on the federal regulation concerning physician supervision. At the November 2010 meeting, Mr. Fattig reported that the Center for Medicare and Medicaid Services (CMS) rule is that a physician must be physically present when therapeutic care is being administered. This rule, according to Mr. Fattig, is unworkable in Critical Access Hospitals

(CAH) and rural areas and many rural providers and health care facilities nationally have been working with CMS to clarify it. Mr. Fattig reported that at this time CMS will not enforce the rule and will study it. If it is determined that physician supervision must be physically present then CMS could go back to 1991 and fine those facilities that were not in compliance. Mr. Fattig stated that physician presence is not needed for inpatient therapy.

Marty Fattig reported:

- a temporary fix to Medicare physician payments through March 5, 2011;
- regulations on Accountable Care Organizations (ACO) scheduled to be out in a month or so; and
- implementation of ICD-10 coding, which is more specific diagnostic coding

Mr. Fattig announced that at the state level the Legislature is dealing with budget shortfalls. The Governor's budget included a 10% cut the rural incentive program general funds but this cut was eliminated by the Appropriations Committee thanks to Senator Lavon Heidemann.

Mr. Fattig reported that LB 40 is the legislation to exempt Certified Rural Health Clinics (CRHC) from sales tax. Currently, CRHCs are not exempt from sales tax even though they are a department of the hospital. This is because of the way the sales tax law is worded and only those facilities listed are exempt. The public hearing is March 4, 2011. After some discussion, Kathy Boswell moved to have the RHAC submit a letter of support for LB 40 to the committee. Jackie Miller seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Goodman, Kralik, Rogers, Schroeder, and Sitorius

Jackie Miller returned at 2:47 p.m.

▪ **Workforce 2020 Project**

(This item was postponed to the June 2011 meeting.)

5. Program 175 – Rural Incentive Programs

- **Review Current Budget and Proposed Biennium Budget**
- **Loan Repayment Update**
- **Accounts Receivable Report**

Marlene Janssen reported, in the interest of time and the need to get motions done before the RHAC lost a quorum (some members had to leave early), that there was enough money in the current budget to award the new loan repayment applications eligible to begin before the end of the current fiscal year.

(The loan repayment update and accounts receivable report were postponed until the June 2011 meeting.)

6. State Designated Shortage Areas

- **Adams County Request (pediatric)**
- **Cherry County Request (pediatric)**
- **Richardson County Request (family practice)**

Dr. Dilly asked Marlene Janssen to explain the requests for state-designated shortage areas. Ms. Janssen reported that (1) Adams County submitted a request to be designated as a pediatric shortage area because a pediatrician left practice in Adams County; (2) Cherry County is also requesting designation as a pediatric shortage area because the pediatrician that “works in Cherry County” only has a virtual clinic (telemedicine) in the county and does not physically practice there, by statute we only count physicians physically practicing in a county; and (3) Richardson County is requesting designation as a family practice shortage area due to a physician resigning. Ms. Janssen reported that all three counties meet the RHAC’s guidelines for the designations requested.

Marty Fattig moved to approve Adams and Cherry Counties as state-designated medical pediatric shortage areas and Richardson County as a state-designated family practice shortage area effective February 25, 2011. Sharon Vandegrift seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Goodman, Kralik, Rogers, Schroeder, and Sitorius

7. CLOSED SESSION

- **Discuss Legal Opinion on Loan Repayment**
- **Review Loan Repayment Applications**

Kathy Boswell moved to go to closed session to discuss a legal concern involving a loan repayment applicant and review loan repayment applications at 3:29 p.m. Dr. Zach Frey seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Goodman, Kralik, Rogers, Schroeder, and Sitorius

Dr. Dilly stated that the RHAC would now go to closed session to discuss a legal concern involving a loan repayment applicant and review loan repayment applications. Dr. Dilly asked nonessential staff and members of the public to please leave the room.

8. OPEN SESSION

- **Motions on Closed Session Discussions**

Marty Fattig moved to go to open session at 3:35 p.m. Dr. Scot Adams seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Goodman, Kralik, Rogers, Schroeder, and Sitorius

Marty Fattig moved to approve the following loan repayment applications with the start dates (shown in parenthesis):

Cassie Gardine, O.T., Dawson County, (01/01/2011 – 12/31/2013)
Lisa Montgomery, APRN, Pierce County, (02/01/2011 – 01/31/2014)
Amanda Lintz, P.A., Jefferson County, (02/01/2011 – 01/31/2014)
Lea Wells, P.A., Burt County, (03/01/2011 – 02/28/2014)
Jean Suehl, APRN, Madison County, (03/01/2011 – 02/28/2014)
Charles Harper, M.D., Madison County, (03/01/2011 – 02/28/2014)
Katie Reinsch, O.T., Phelps County, (03/01/2011 – 02/28/2014)
Cassandra Gnewuch, O.T., Keith County, (loan repayment obligation to begin first of month following issuance of license)

and move the following applications to the waiting list:

Elliot Neuheisel, P.T., Boyd County
Noelle Sherrets-Ratigan, D.O. (Pediatrics)
Michael Simonson, M.D. (General Surgeon)

Kathy Boswell seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Goodman, Kralik, Rogers, Schroeder, and Sitorius

Jackie Miller moved to put Sabrina Pratt's loan repayment application on hold until further research on the legal issue of state employees being eligible to receive loan repayment is determined. Dr. Scot Adams seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Goodman, Kralik, Rogers, Schroeder, and Sitorius

Dr. Scot Adams moved to work with Department of Health & Human Services legal division to research whether or not state employees are eligible to receive funds under the Rural Health Systems and Professional Incentive Act. Sharon Vandegrift seconded the motion. Motion carried. YES: Adams, Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Goodman, Kralik, Rogers, Schroeder, and Sitorius

Dr. Scot Adams left at 3:40 p.m.

9. Other Business

- **Primary Care Office Report**
- **Kansas' Retroactive Student Loan Program**
- **Other**

Tom Rauner reported that 67 National Health Service Corps Loan Repayment recipients are now practicing in Nebraska.

(Discussion of the Kansas' Retroactive Student Loan Program was postponed until the June 2011 meeting.)

10. Adjourn

Marty Fattig moved to adjourn at 3:45 p.m. Motion carried. YES: Boswell, Fattig, Frey, Miller, and Vandegrift; NO: None; Absent: Adams, Goodman, Kralik, Rogers, Schroeder, and Sitorius